

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 17835 of 2004

Between:

T. Johanson,

S/o. Yohan, Private Employee,

R/o. D.No. 25/483, B.V. Nagar,

Nellore, Nellore District.

..... PETITIONER

AND

1 The Commissioner of Labour,

Government of Andhra Pradesh,

at T. Anjaiah Bhavan

R.T.C. X Road, Hyderabad.

2 The Assistant Commissioner of Labour,

Government of A.P.,

Nellore Town, Nellore District.

3 The Management,

Gokul & Co.,

O/o. B-4, Industrial Estate,

Nellore - 524 004.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents 1 and 2 in not considering the

representation of the Petitioner Dt. 1-5-2004 and not taking any action for recovery of the wages from the 3rd respondent under the provisions of Payment of Wages Act is illegal, arbitrary and violative of fundamental rights of the Petitioner, consequently direct the respondents 1 and 2 to consider the representation Dt. 1-5-2004.

Counsel for the Petitioner: Mr. P.MADHUSUDHAN RAO

Counsel for the Respondents: GP FOR LABOUR

The Court made the following ORDER:

The petitioner claims that he is a private employee working under the 3rd respondent. His grievance is that the 3rd respondent is not paying him wages from January, 2004. The petitioner, therefore, made a representation to the respondents 1 and 2 on 1-5-2004, requesting to direct the 3rd respondent to pay wages to him as per the provisions of the Payment of Wages Act (for short, 'the Act'). The petitioner contends that though the 2nd respondent is the competent authority under the Act, the 2nd respondent did not take any action on the representation given by him and it is still pending with the 2nd respondent. The petitioner, therefore, approached this Court seeking a direction to the 2nd respondent for passing appropriate orders on the representation dated 1-5-2004 for payment of wages from January, 2004 under the Act.

Having regard to the facts and circumstances explained by the petitioner, the 2nd respondent is directed to follow the procedure prescribed under the Act and pass appropriate orders on the representation of the petitioner dated 1-5-2004 for Payment of wages of the petitioner by the 3rd respondent.

The Writ Petition is accordingly disposed of. No order as to costs.

(Dr.G.YETHIRAJULU,J)

4th October, 2004.

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To

1 The Commissioner of Labour,
Government of Andhra Pradesh,
at T. Anjaiah Bhavan
R.T.C. X Road, Hyderabad.

2 The Assistant Commissioner of Labour,
Government of A.P.,
Nellore Town, Nellore District.

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4 Two CCs to the GP for Labour, High Court Buildings,
Hyderabad (O.U.T.)

5 Two CD Copies.